IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Christopher W.B. Goode	Examiner:	LU, SHIRLEY
Serial No.:	09/922,242	Group Art Unit:	2612
Filed:	August 3, 2001	Docket No.:	60136.0148USU1
Title:	CUSTOMIZED USER INTERFACE GENERATION IN A VIDEO ON DEMAND ENVIRONMENT		

APPELLANT'S REPLY BRIEF
IN RESPONSE TO THE EXAMINER'S ANSWER

Mail Stop APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Appellant's Reply Brief is being submitted in response to the Examiner's Answer of July 12, 2010, and in support of the Appeal Brief filed October 3, 2006.

I. THE EXAMINER'S ANSWER FAILS TO SUPPORT THE REJECTION OF INDEPENDENT CLAIMS 1, 20 AND 21

Appellant respectfully notes that the relevant portion of Gordon '153 applied to independent claim 21 is the same as cited in Gordon '170. Furthermore, claim 21 includes relevant limitations similar to those recited in independent claims 1 and 20. Thus, Appellant respectfully submits that the arguments provided below are applicable to independent claims 1, 20 and 21.

A: GORDON FAILS TO DISCLOSE, TEACH OR SUGGEST DETERMINING A PROFILE ASSOCIATED WITH AN ENCODED NAVIGATION STREAM

The Examiner's Answer states that the profile 460 establishes or determines the profile for the one or more streams. However, Gordon only discloses that a profile unit 460 inserts profile parameters into the forward channel bitstreams. Gordon does not disclose that profile for a bit stream is determined. The profiling data is produced by transport demultiplexer 230. Rather, Gordon inserts information that is common for all bit streams. Such profiling data is produced by transport demultiplexer 230. More specifically, the transport demultiplexer 230 produces data indicating the structure of the data stream and the locations of the sequence header, I frames and PID identifications.

Thus, Gordon does not disclose determining a profile associated with an encoded navigation stream. Gordon only discloses that a profiler inserts into each bitstream information regarding the inter-frame structure that is common to all of the video bitstreams and the frame boundary data, which is also common to all of the video bitstreams. Because Gordon inserts information that is common for all bit streams, Gordon does not have to determine a profile for each bit streams.

Thus, Gordon does not disclose, teach or suggest establishing, deciding, resolving, to settle or to bring about as a result, etc. Gordon only mentions inserting structural information and frame boundary data.

Accordingly, Gordon fails to suggest determining a profile associated with an encoded navigation stream, said profile including spatial and temporal parameters

B: GORDON FAILS TO DISCLOSE, TEACH OR SUGGEST THAT SAID PROFILE INCLUDES SPATIAL AND TEMPORAL PARAMETER

Gordon only mentions inserting information regarding the structure that is common to all of the video bitstreams and the frame boundary data, which is also common to all of the video bitstreams. Thus, Gordon does not discuss spatial profile data. The information Gordon discloses for inserting into all bitstreams involves only frame boundary data. The segment or access unit boundaries disclosed by Gordon at most provides some temporal information associated with a sub stream.

Spatial parameters explore characteristics within a picture or frame. In contrast, temporal parameters explore characteristics between pictures or frames. Spatial parameters rely on the homogeneity of spatially localized features such as intensity, texture, and position within a frame. Temporal parameters rely on similarities and differences between size, shape, color, and position of different frames.

Thus, Gordon discloses the use of temporal parameters, but fails to mention spatial parameters.

C: GORDON FAILS TO DISCLOSE, TEACH OR SUGGEST ENCODING A VIDEO STREAM ACCORDING TO SAID PROFILE TO PRODUCE AN ENCODED VIDEO STREAM

According to Gordon, the profile data is extracted at a device on the subscriber side and provided, if at all, to a decoder (rather than an encoder). Gordon fails to mention profile data being derived via the transport demultiplexer 230 (or any other element) that is used in the process of encoding a video stream. Decoding video, as taught by Gordon, is irrelevant to the claimed encoding. The cited portion of Gordon pertains only to subscriber functionality that has absolutely nothing to do with encoding a video stream.

Furthermore, the fact that video information is "generated at the cable central processing location or a headend and transmitted as part of a video stream is also irrelevant. The generating at the cable central processing location does not involve the profile information that is used at the subscriber equipment.

Thus, Gordon fails to disclose, teach or suggest encoding a video stream according to said profile to produce an encoded video stream.

II. CONCLUSION

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 865-380-5976. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 13-2725 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By: 

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